

# THE PENNSYLVANIA JUDICIARY: A BACKGROUND

The United States has a dual judicial system, made up of a federal court system and the courts in each of the states. The Pennsylvania court system hears criminal and civil cases brought under state laws and the Constitution of the Commonwealth of Pennsylvania. In contrast, the federal court system generally hears criminal and civil cases brought under federal laws and the Constitution of the United States. Federal judgeships are all by appointment, whereas judges in Pennsylvania are elected.

At both the state and federal level, there are generally three tiers or levels of courts: courts of general jurisdiction (trial courts), intermediate appellate courts and high appellate courts.

## *Trial vs. Appellate courts:*

Trial courts initially hear a case, review evidence and testimony to determine the facts of the case and render a judgment or verdict. Generally, the outcome of a civil trial is known as a judgment whereas the outcome of a criminal trial is known as a verdict.

Appellate or appeals courts review cases brought up on appeal. An appeal is when one of the parties to the case (known as plaintiff and defendant in civil cases; the prosecution and defendant in criminal cases) applies to a higher court for a reversal of the decision of a lower court. The party seeking the appeal is known as petitioner or appellant, the opposing party is known as respondent or appellee.

## **Level 1 or Courts of General Jurisdiction:**

In Pennsylvania, courts of general trial jurisdiction are known as the Courts of Common Pleas (“CCP”).

Jurisdiction is the authority to make legal decisions and judgments about a crime or situation. The word jurisdiction also refers to a district or system of courts.

A court of general jurisdiction has the authority to hear cases of all kinds: civil, criminal, family, probate, as long as the case is not already exclusively within the jurisdiction of another court. An example of a case that cannot be brought in the CCP is bankruptcy, which can only be brought in federal court as specified by federal law.

Both civil and criminal cases at CCP may be tried before a judge only (known as a bench trial) or before a jury and a judge.

Candidates for CCP do not run to join a particular division, the President Judge initially assigns newly appointed and elected judges to one of the divisions. While he or she certainly takes the judge’s background into consideration, the largest portion of judges go into the Trial Division.

## **Level 2 or Intermediate Appellate Courts:**

In Pennsylvania, there are two intermediate appellate courts: the Superior Court of Pennsylvania, which is based in Harrisburg, but hears cases in Harrisburg, Pittsburgh and Philadelphia; and the Commonwealth Court.

Similar to the Courts of Common Pleas, the Superior Court of Pennsylvania is essentially a court of general jurisdiction. It hears appeals in criminal and most civil cases from the CCP and appeals on matters involving children and families. A majority of appeals in the state are resolved at the Superior Court as the Supreme Court opts to review very few decisions from this level.

The Commonwealth Court hears cases involving state and local governments and regulatory agencies. It is also the trial court when the Commonwealth files lawsuits or is sued. Appeals from decisions made by state agencies are also heard by the Commonwealth Court.

With limited exception in the Commonwealth Court, appeals are heard only by a panel of judges. There is no right to a jury trial at the appellate level. If the appellate court determines the petitioner or appellant is entitled to a new jury trial, the case is sent back to the CCP (“remanded”).

Both Commonwealth and Superior Court judges are elected in statewide elections to a 10-year term. After the first term, they are subject to a retention vote (just like CCP judges).

## **Level 3 or High Appellate Court:**

The Supreme Court of Pennsylvania is our High Appellate Court and the court of last resort on state law matters. Parties to litigation can petition the Supreme Court after receiving a determination at the intermediate appellate court level and the Court will determine, in its discretion, which matters it wants to review.

The court consists of 7 justices who are elected to a 10-year term, followed by a retention vote.

Unlike some states, Pennsylvania allows its justices to run on party ticket.

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# PA JUDICIARY ELECTIONS 2017 - WHO'S RUNNING?

Pennsylvania is one of a few states where We the People elect our judges. The judiciary, as we have seen, is the last stop for democracy. Hardly anyone votes in these elections and it presents a way that we can stop the Trump agenda in its tracks.

At the state level, there are 10 judges up for retention or election. Some judges are already serving and are up for "retention". Other judge seats are open for filling.

*What is retention?*

When a judge has already been elected, s/he does not have to run for re-election. Rather, the voters are asked vote Yes or No to keep the judge. A 50% vote or more means the judge keeps his/her seat.

## **PA Supreme Court:**

Like the US Supreme Court, this is the highest court in our state and the oldest appeals court in the nation!

*Running for Retention:*

- Chief Justice Thomas Saylor (R)
- Justices Debra Todd (D)

*One seat up for Election:*

- Justice Sallie Mundy (R) – incumbent appointed by Gov. Wolf.
- Judge Dwayne D. Woodruff (D) - challenger

## **PA Superior Court:**

The Superior Court is one of PA's two statewide intermediate appellate courts, and often where disputes are resolved, never reaching the PA Supreme Court. Cases are heard by a panel of three judges sitting in Philly, Harrisburg, or Pittsburgh, but important cases may be heard by nine judges (aka "en banc"). The Superior Court judges travel throughout PA to hear cases.

*Running for Retention:*

- Judge Jacqueline Shogan

## **PA Superior Court (continued):**

*Four seats up for Election:*

- Judge H. Geoffrey Moulton Jr. (D) – incumbent
- Jules Mermelstein (Green)
- Carolyn H. Nichols (D)
- Maria McLaughlin (D)
- Deborah A. Kunselman (D)
- Craig Stedman (R)
- Wade Kagarise (R)
- Emil A. Giordano (R)
- Mary P. Murray (R)

## **PA Commonwealth Court:**

The PA Commonwealth Court is the other statewide intermediate appeals court. It is primarily responsible for hearing cases involve state/local governments and regulatory agencies. It also acts as the trial court for lawsuits filed by or against PA state. Cases are heard by three judges in Philly, Harrisburg or Pittsburgh, but sometimes the judges will move the hearings to another location. Cases can be heard by one judge, too, or by seven judges.

Two seats are up for election. Here's who is running:

- Ellen H. Ceisler (D)
- Irene McLaughlin Clark (D)
- Christine F. Cannon (R)
- Paul Lalley (R)

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